

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of
THE COMMONWEALTH OF PUERTO RICO, *et*
al.,
Debtors.¹

PROMESA
Title III
No. 17 BK 3283
(Jointly Administered)

Opposition to the "Three Hundred Forty-Seven Omnibus Objection"; the Three Hundred Forty-Ninth" and "Three Hundred Fifty-First Omnibus Objection" (Dockets 17092; 17109 and 17112), (Non-Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System of the Government of the Commonwealth filed by The Financial Oversight and Management Board for Puerto Rico, as Representative of the Commonwealth of Puerto Rico, et al.

To the Honorable United States District Court Judge Laura Taylor Swain:

NOW COME all creditors listed in the litigation captioned **(1)** Juan Pérez Colón et al. v. Puerto Rico Department of Transportation & Public Works, Case No. KAC1990-0487 (the "Pérez Colón, Master Claim No. 30851"); **(2)** all creditors in the litigation captioned: Jannette Abrams Diaz et al. v. Department of Transportation & Public Works, Case No. KAC-2005-5021 (the "Abrams Diaz Master Claim No. 50221"); **(3)** all creditors in the litigation captioned Madeline Acevedo-Camacho v Family Department, ARV and NAJ, Case No. 2016-05-1340 (Master Claim No. 32044), **(4)** all creditors in the litigation captioned Francisco Beltrán Cintrón et al. v. Puerto Rico Department of Family Affairs,

Case No. KAC-2009-0809/ CASP No. 2021-05-0345 (the “Beltrán Cintrón, amended Master Claim No. 179140”); **(5)** all creditors in the litigation captioned, Abraham Giménez et al. v. Puerto Rico Department of Transportation & Public Works, Case No. KAC-2013-1019 / CASP No. 2021- 05-0346 (the “Abraham Giménez, amended Master Claims no.179141”); **(6)** all creditors in the litigation captioned Alejo Cruz Santos et al. v. Puerto Rico Department of Transportation & Public Works, Case No. RET-2002-06-1493 (the “Cruz Santos, Master Claim No. 29642”); **(7)** all creditors in the litigation captioned Delfina Lopez Rosario et al. v. Puerto Rico Police Department, Case No. 2001-10-372 (the “Lopez Rosario, Master Claims no. 15708”); **(8)** all creditors in the litigation captioned Prudencio Acevedo Arocho et al. v. Puerto Rico Department of Treasury, Case No. KAC-2005-5022 (the “Acevedo Arocho, Master Claims no. 51013”); and the individual claimants identified below, through the undersigned attorney and respectfully states and prays:

1. On June 18, 2021 the Financial Oversight and Management Board for Puerto Rico, as Representative of the Commonwealth of Puerto Rico, filed the “Three Hundred Forty - Seventh, the “Three Hundred Forty-ninth, and the Three Hundred and Fifty-First Omnibus Objections” (**Non-Substantive**) seeking to partially disallow individual claims listed on Exhibit A, of the reference omnibus objections (**Non-Substantive**) (Docket No.17092;17109 and 17112) asserting that the claims included in referenced motions are duplicative, by including the same liabilities as those asserted in one of the above identified master claims filed on behalf of all plaintiffs in the litigation captioned, and seeks the Court Approval for a partial dismissal of the referenced claims.

2. Although Movants admits that Exhibit A, of the above identified Omnibus Objections includes a substantial number of duplicate claims, and does not oppose that any duplicate claim be partially disallow and remain the claim in the respective Master claims, upon a review of the information provided in the above identified Omnibus Objections, and the Prime Clerk Registry, was determined there is inaccurate and incomplete information in material aspects that must be corrected, identified as follows:

FIRST: In EXHIBIT A of the referenced omnibus objections, are included claims that are not duplicate, and do not fit into the proposed objections. This fact can be easily determined, by a mere verification of the individual proof of claims and supporting documents. Therefore, the following claims, cannot be dismissed or disallowed.

A. In reference to the Three Hundred Forty Seven Omnibus Objection, the following claims are wrongly identified as duplicate, since the creditor belongs to the case of Nilda Agosto Maldonado et. als. (724 plaintiffs) v Family Department et, als Case No. K PE 2005- 0608¹ and have a final judgment in their favor.

1. Algarín Ortiz, Olga I. (Claim No. 109157);
2. Cay Morales, María (Claim No. 66935);
3. Hernández Rivera, Ramón (Claim No. 29547);
4. Ríos Jiménez, Iván (Claim No. 105171);
5. Velázquez Lebrón, Miguel A. (Claim No. 42138)

B. In regards the "Three Hundred Forty- nine Omnibus Objection" the claim filed by Acevedo Rosario, Sonia N. (Claim No. 30608) is also erroneously identified as duplicative of the Acevedo Camacho, Master claim, when the fact is that said claimant, is accumulated in the final judgment of the case of Nilda Agosto-Maldonado et als.

¹ See claim 10447, and for a complete list of claimants accumulated in the reference judgement see Verified Statement Pursuant to FRBP 2019 (Docket No. 13534).

C. Similarly, the following claims were wrongly included in Exhibit A, of the Three Hundred Fifty-First Omnibus Objection, (Docket No. 17112) and identified as duplicate of one of the Master Claims, since claimants belongs to the case of Nilda Agosto-Maldonado et als., case No. K PE2005 -0608.²

1. Adorno Navedo, Zaida P. (Claim no. 9440);
2. Alma Alma, Efraín (Claim No. 9647);
3. Carrero López, David (Claim No. 9210);
4. Claudio Rosado, Eduardo (Claim No. 9322);
5. Concepción Quiñones, Josefina (Claim No. 9625) y (47278 - sin cantidad);
6. Cruz-González, Carmen L. (Claim No. 9127);
7. Cruz Serrano, Marybell (Claim No. 10825);
8. Fernández Otero, Nilsa (Claim No. 9346);
9. González Ríos, Ramón A. (Claim No. 75583);
10. Hernández Ortiz, Elba N. (Claim No. 10368);
11. Navedo Ortiz, Nancy (Claim No. 9423);
12. Navedo Otero, Nancy (Claim 40644);
13. Núñez Córdova, Juanita (Claim No. 9645);
14. Ocasio Cuevas, Carmen (Claim No. 9454);
15. Ocasio Cuevas, Yolanda (Claim No. 10427);
16. Ramírez Benítez, Alexander (Claim No. 9056);
17. Rivera Rivera, Florinda (Claim No. 11097);
18. Rivera Rivera, Yolanda (Claim No. 10898);
19. Rivera Santos, María D. (Claim No. 17619);
20. Rosado Bestard, Iris (Claim No. 11951);
21. Sánchez Muñoz, Verónica (Claim No. 12662);
22. Vaello Bermúdez, Yadira (Claim No. 9451);
23. Vega Zayas, José H. (Claim No. 9617)

The following claims are also wrongly identified as duplicate, since belongs to the case of Carmen Socorro Cruz Hernandez et. als. (334 plaintiffs) v Department Family Affairs et als. Case No. K AC 1991-0665) and have a final judgment in their favor³:

24. Acevedo-Rivera, Aida (Claim 17965)
25. Bello Cancel, Carmen L. (Claim No. 15550);
26. Castillo Pizzini, Iris (Claim No. 17033);
27. Díaz García, Miguel A. (Claim No. 22296);
28. González Pizarro, María M.(Claim No.23816);
29. González Reyes, María (Claim No. 96586);
30. Mujica Mujica, Rosa de los A. (Claim 23567);

² id.

³ For a complete list of claimants accumulated in the reference judgement see Verified Statement Pursuant to FRBP 2019 (Docket No. 13535).

31. Rosado Cruz, María (Claim No. 23166);

SECOND: Movants also bring to the consideration of this Honorable Court, that in Exhibit A, there is incorrect information and a distorted characterization of claimant's litigation and cause of action. For abundance of care, appearing creditors objects mentioned characterizations. To provide an example of the inaccurate information, is important to clarify, that the group claims are not limited to former employees, as represented in Exhibit A, but includes a substantial number of active employees that have continued working for the respective government agencies for an extended period, without being fully or correctly paid their regular wages, due to the incorrect and illegal implementation by the Debtor, of the state and federal minimum wage law.

Also, objects the description included in Exhibit A, of the Master Claims of the cases of **Juan Perez Colon and Jeannette Abrams Diaz**, since omits the relevant information and give notice, that the respective claims stems from a final judgment entered by the Puerto Rico Court of first Instance in favor of the plaintiffs.

In addition, and for being intimately related, is important to bring to the consideration of this Honorable Court that after a review of the Prime Clerk's registry, can be determined that the nature of the individual claims and Master claims, are wrongly register under section 503 (b)(9), when the correct designation or reference for wage claims, based in final judgments on the cases of Abrams-Diaz;and Juan Perez Colon, corresponds to section 503(b) (1) (A) (ii), of the Bankruptcy Code, and under Title III, of PROMESA. since recognize priority status in regards wages awards, pursuant to judicial proceedings. Therefore, the Prime Clerks Registry must be corrected.

THIRD: In light of the above and the extraordinary volume of claims subjected to omnibus objections, group claimant's reserves all rights under any applicable law, to further supplement the present Objection.

WHEREFORE, pursuant to governing law, it is respectfully requested that this Honorable Court dismiss with prejudice, the omnibus objections with respect to the individual claims above identified, upon petitioners failure to present accurate facts and verifiable evidence to sustain its allegations regarding that the above identify claims are duplicative of the corresponding Master claims.

Also, Group Claimants request this Honorable Court to issue an order to authorize and direct that the Prime Clerk correct the priority designations on the claims register in the Title III Case regarding the individual judgment creditors included in the case of Nilda Agosto-Maldonado, Plaintiffs Group; Case No. K PE 2005-0608; and in the case of Carmen Socorro Cruz Hernandez plaintiff group, case No, K AC1991-0665 and the Master claim in the case Jeanette Abrams-Diaz, and Juan Perez-Colon, in order to register claimant's priority status under 11 U.S.C. § 503(b) (1) (A) (ii).

IT IS HEREBY CERTIFIED, that on this same date we have electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all counsels of record.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, on July 19, 2021.

IT IS HEREBY CERTIFIED, that on this same date we have electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all counsels of record.

By /s/ Ivonne González Morales
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